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Agenda item 30
Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 17 May 2004 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement issued by the Ministry of Foreign Affairs of Turkey dated 1 May 2004, entitled "Statement regarding membership of Cyprus to the European Union", which was circulated as a document of the General Assembly under agenda item 30 and of the Security Council with reference A/58/781-S/2004/351 dated 4 May 2004, and I would like to attach herewith a statement issued by the Ministry of Foreign Affairs of the Republic of Cyprus, regarding the aforementioned document (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

04-35518 (E) 200504

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Statement by the Ministry of Foreign Affairs of the Republic of Cyprus

With reference to the statement issued by the Ministry of Foreign Affairs of the Republic of Turkey on 1 May 2004 (A/58/781-S/2004/351, annex), the Ministry of Foreign Affairs of the Republic of Cyprus states the following:

The Government of the Republic of Cyprus is the internationally recognized Government in Cyprus, with competence and authority to represent the State, notwithstanding the de facto division of the island as a result of the 1974 Turkish invasion. The illegality of the "Turkish Republic of Northern Cyprus", has been consistently reaffirmed inter alia by the United Nations Security Council, by the European Court of Human Rights and the Court of Justice of the European Communities. Security Council resolution 541 (1983) states that the Council "deplores the declaration of the Turkish Cypriot authorities of the purported secession of part of the Republic of Cyprus" and "considers the declaration as legally invalid and calls for its withdrawal". In addition in resolution 550 (1984) the Security Council expresses its grave concern about the "secessionist acts in the occupied part of the Republic of Cyprus" and calls upon "all States not to recognize the purported State of the 'Turkish Republic of Northern Cyprus' ... and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity". Moreover, the European Court of Human Rights (case of Loizidou versus Turkey) describes the "TRNC" as a subordinate local administration to Turkey.

As from 1 May 2004 the Republic of Cyprus is a full member of the European Union, on the basis of the Treaty of Accession signed on 16 April 2003 and ratified by the 15 member States and the then 10 acceding countries to the European Union. Protocol 10 of the Treaty provided for the terms of the accession of Cyprus to the Union in the event that a comprehensive settlement of the Cyprus problem had not been reached by the date of accession. In that event and even though the entire territory of the Republic of Cyprus becomes part of the European Union, according to the provisions of the Protocol, the application of the acquis is suspended in the areas in which the Government of the Republic does not exercise effective control.

It is with great regret and disappointment that we continue to witness the insistence of Turkey, a country aspiring to join the European Union, on not recognizing the Republic of Cyprus, a member State of the Union. Turkey should also fulfil the specific obligations relating to Cyprus that arise from its customs union agreement with the European Union, as well as from international law.

Turkey constitutes a unique example of a country that aspires to join the European Union while maintaining an occupying military force in a member State.

The fact that the Turkish Cypriots accepted the proposed plan for a solution of the Cyprus problem, as finalized by the Secretary-General on 31 March 2004, while the Greek Cypriots, following a democratic process, could not approve it, does not alter the fact that the division of the island is caused by the Turkish invasion and subsequent occupation, which still continues, of part of the island. The Greek

Cypriots have not rejected the solution of the Cyprus problem. They merely did not approve this particular plan. The Government of the Republic of Cyprus remains firm and consistent with the objective of achieving a viable, functional, negotiated settlement of a bizonal, bicommunal federation, which will ensure security, progress and prosperity for all Cypriots.

With the aim of facilitating the reunification of Cyprus, the Republic of Cyprus announced to the European Union on 26 April its intention to expand the package of measures benefiting the Turkish Cypriots, being implemented since last year, to include trade, subject to the procedures and rules of the European Union, of wholly obtained goods as well as the intra-island trade of manufactured goods produced in the occupied area. Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros for the years 2004-2006, earmarked by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, be made available as from now.

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Upon instructions from my Government and further to my letter dated 13 May 2004, I have the honour to draw your attention to a new violation of the national airspace of the Republic of Cyprus and the flight information region (FIR) of Nicosia by four (4) military aircraft of the Turkish Air Force flying in one formation, recorded today at 11:30 local time. A relevant map of the above-mentioned violation is attached herewith (see annex).

It has been particularly disappointing to witness the continuation of violations of the airspace of Cyprus, as we were concentrating our efforts on achieving a lasting and viable solution to the Cyprus problem. We earnestly hoped that the Government of Turkey would have embraced this new spirit, in order to defuse tension and adopt a new and constructive approach, so that peace and reconciliation can prevail in our area. I would like to stress also that the violations continue to occur, after the official accession of Cyprus to the European Union on 1 May 2004 and in spite of the declared policy of Turkey to advance towards convincing the European Union that it fulfils the criteria for opening accession negotiations.

On behalf of the Government of the Republic of Cyprus, I strongly protest the above-mentioned violation of the Nicosia FIR and the national airspace of the Republic of Cyprus, which is contrary to international law as well as to Security Council resolutions on Cyprus. We sincerely hope that the Government of Turkey will respect the sovereignty of Cyprus and will refrain from further violations.

I should be grateful, Excellency, if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

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